

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
MAIL-STOP: PATENT APPLICATION

22240 U.S. PRO
10/627449
07/25/03

Sir:

Transmitted herewith for filing is the

- ☐ patent application of
☒ continuation application of USSN 09/373,333
☐ continuation-in-part patent application of

- ☐ divisional application of
☐ prior application information: Examiner _____
☐ _____

Inventor(s)/Applicant Identifier: **Venkiteswaran Subramanian, et al.**

For: **DNA Shuffling to Produce Herbicide Selective Crops**

- ☒ For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can be relied upon when a portion has been inadvertently omitted from the submitted application parts.
- ☒ This application claims priority from each of the following Application Nos./filing dates: USSN 09/373,333, filed August 12, 1999, USSN 60/112,746, filed December 17, 1998, USSN 60/111,146, filed December 7, 1998, and USSN 60/096,288, filed August 12, 1998, the disclosures of which are incorporated by reference.
- ☒ Please amend this application by adding the following before the first sentence: "This application is a ☒ continuation ☐ continuation-in-part of and claims the benefit of U.S. Application No. 09/373,333, filed August 12, 1999, which claims benefit under 35 U.S.C. §119(e) of U.S. Provisional Application No. 60/112,746 filed December 17, 1998, U.S. Provisional Application No. 60/111,146 filed December 7, 1998, and U.S. Provisional Application No. 60/096,288 filed August 12, 1998, all of which are incorporated herein by reference for all purposes."

Enclosed are:

- ☒ 78 pages of the description (including specification, claims and abstract)
☒ 1 sheet(s) of ☒ formal ☐ informal drawing(s)
☒ abstract
☒ 60 number of claims
☒ an assignment of the invention (copy from parent)
☒ a ☒ signed ☐ unsigned Declaration (copy from parent)
☒ Prior to calculating the filing fee, cancel claims 2-60.

- ☒ a Power of Attorney (copy from parent)
☒ a petition to extend time to respond in the parent application (copy)
☒ Patent Application Filing Acknowledgement postcard
☒ 1 extra copy of this sheet is enclosed
☒ Application data entry sheet

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	1 - 20	= 0
INDEP. CLAIMS	1 - 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
	\$370.00	OR		\$750.00
x \$ 9.00 =		OR	x \$18.00 =	\$
x \$42.00 =		OR	x \$84.00 =	\$0.00
+ \$140.00 =		OR	+ \$280.00 =	
TOTAL		OR	TOTAL	\$750.00

Please charge Deposit Account No. 50-0990 as follows:

- ☒ Filing fee. \$ 750.00
☒ Any additional fees associated with this paper or during the pendency of this application.
☐ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

Respectfully submitted,

Norman J. Kruse, Ph.D.

Reg. No.: 35,235

Applicant Attorney

CORRESPONDENCE ADDRESS:

MAXYGEN, INC.

515 Galveston Drive

Redwood City, CA 94063

Telephone: (650) 298-5399

Fax: (650) 298-5446

Customer No. 30560

Attorney Docket No. 0113.450US

Express Mail Label No. EV 332 430 676 US

Date of Deposit: July 25, 2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail-Stop: Patent Application

By: _____

Diane D. Dunn

PETITION FOR EXTENSION OF TIME UNDER 37 CFR §1.136(a)

Attorney Docket No:
0113.410US

In re Application of: V. Subramanian, et al.

Application Number: 09/373,333

Filed: August 12, 1999

For: DNA Shuffling to Produce Herbicide Selective Crops

Group Art Unit: 1634

Examiner: Diana B. Johannsen

This is a request under the provisions of 37 CFR §1.136(a) to extend the period for filing a response in the above-identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | |
|-------------------------------------|----------------------------------|--------|
| <input type="checkbox"/> | One month (37 CFR 1.17(a)(1)) | \$ 110 |
| <input type="checkbox"/> | Two months (37 CFR 1.17(a)(2)) | \$ 410 |
| <input checked="" type="checkbox"/> | Three months (37 CFR 1.17(a)(3)) | \$ 930 |
| <input type="checkbox"/> | Four months (37 CFR 1.17(a)(4)) | \$1450 |
| <input type="checkbox"/> | Five months (37 CFR 1.17(a)(5)) | \$1970 |

☐ Applicant is a small entity under 37 CFR §1.9 and §1.27, therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

A small entity statement under 37 CFR §1.27:

- ☐ is enclosed.
- ☐ has already been filed in this application.

☐ A check in the amount of the fee is enclosed.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0990. I have enclosed a duplicate copy of this sheet.

I am the ☐ assignee of record of the entire interest.

☐ applicant.

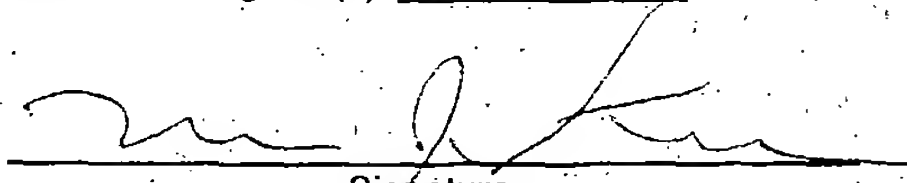
☒ attorney or agent of record.

☐ attorney or agent under 37 CFR §1.34(a)

Registration number if acting under 37 CFR §1.34(a). _____

7-21-2003

Date



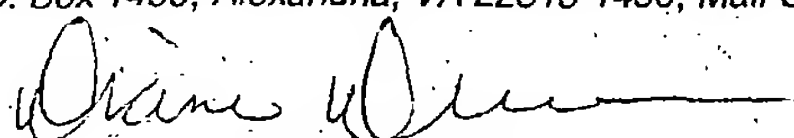
Signature

Norman J. Kruse

Typed or printed name and Reg. No. 35,235

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail-Stop: AF on this date: July 25, 2003 by:



Diane D. Dunn